

PHJ  
Memphis, TN

**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**KELLOGG COMPANY**

and

Case 15-CA-115259

**BAKERY, CONFECTIONERY, TOBACCO  
WORKERS AND GRAIN MILLERS  
INTERNATIONAL UNION AND ITS LOCAL  
UNION 252-G**

**ORDER DENYING MOTIONS FOR RECONSIDERATION  
AND TO REOPEN THE RECORD**

On May 7, 2015, the National Labor Relations Board issued a Decision and Order in this proceeding, finding that, during negotiations for a successor supplemental collective-bargaining agreement covering its Memphis, Tennessee ready-to-eat cereal plant, the Respondent unlawfully insisted to impasse on, and locked out over 200 bargaining unit employees in support of, proposals that would modify the parties' separate, unexpired master collective-bargaining agreement.<sup>1</sup> On June 4, 2015, the Respondent filed a Motion for Reconsideration and to Reopen the Record. On June 26, 2015, the General Counsel filed a memorandum in opposition to the Respondent's motions.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

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<sup>1</sup> *Kellogg Company*, 362 NLRB No. 86 (2015).

Having duly considered the matter, we find that the Respondent has not identified any material error or demonstrated extraordinary circumstances warranting reconsideration or reopening the record under Section 102.48(d)(1) of the Board's Rules and Regulations.<sup>2</sup>

IT IS ORDERED, therefore, that the Respondent's motions for reconsideration and to reopen the record are denied.<sup>3</sup>

Dated August 27, 2015, Washington, D.C.,

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Mark Gaston Pearce, Chairman

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Kent Y. Hirozawa, Member

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Harry I. Johnson, III, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

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<sup>2</sup> The Respondent requests that the record be reopened to admit the statements of counsel for the General Counsel in the oral argument before the Sixth Circuit on the Respondent's appeal of a Section 10(j) injunction issued by the United States District Court for the Western District of Tennessee. However, it is well established that the arguments and statements of counsel are not evidence.

<sup>3</sup> Member Johnson adheres to the views he expressed in his concurrence in the underlying decision. Nevertheless, he agrees that the Respondent has not presented "extraordinary circumstances" warranting reconsideration of the decision or reopening of the record.